





This supporting guidance must be read alongside the Commission's statutory guidance on public benefit.

### Online or in print

If you are viewing this guidance online, you will be able to navigate your way around by clicking on links either within the text, at the top of each page, or in the chart.

If you choose to read this document in a printed format, you can still use the section headings and page numbers to assist you in moving around the guidance.

We have produced a glossary which provides further information, definitions and descriptions of some key terms. The words in **green type** indicate words that are found in the glossary. You can find these definitions either by downloading the glossary as a separate document or, if you are reading the guidance online, by clicking on the green words which link to the glossary.

## Our vision

The Commission's vision is to deliver, in partnership with other key stakeholders in the charitable sector:

'A dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission's effective delivery of its regulatory and advisory role.'

## Our values

The Commission aspires to be respected and valued in the execution of its functions and will ensure that in the performance of our role as the charity regulator for Northern Ireland we will be:

**Independent:** we will maintain independence in our decision making, acting without fear or favour, in the public interest.

**Accountable:** we will be proactive in accounting to all our stakeholders, which will include involving others on a continuous and appropriate basis and taking responsibility for our decisions.

**Proportionate:** our actions, procedures and culture will be proportionate to the burden of regulation on charities of different sizes, to the degree of risk involved and to the potential impact within the resources available to us.

**Impartial:** we will exercise our powers and discretion in a way which is non-partisan and even-handed.

**Transparent:** we will communicate with and listen to our stakeholders and will be clear about our actions, intentions and expectations.

**Consistent:** we will act consistently in our decision making.

## Equality and accessibility

The Charity Commission for Northern Ireland is totally committed to equality and diversity in all that we do.

We intend to make all of our guidance available to all stakeholders. We will aim to meet all accessibility needs and offer other languages and formats for this guidance, for example Braille or audio or meet any other requirements needed in line with the Commission's Equality Scheme.

If you have any accessibility requirements please contact us.



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# Section 1: What is meant by the advancement of amateur sport?

## 1.1 Definition

Sport includes sport or games which promote health by involving physical or mental skill or exertion.

This purpose is not just about the playing or participation in sport but must also be for the advancement of amateur sport.

This means that an organisation concerned with advancing amateur sports can only be charitable if each of the following apply to it:

- it involves an **activity** that is a sport or game;
- it promotes health;
- it involves physical or mental skill or exertion;
- the participants are 'amateur', not **professionals**;
- the organisation has **purposes** that are exclusively charitable; and
- it is 'for the public benefit'.

The Act does not list the types of sport or game that are included within its definition; however **case law** has shown that there are some recognised sports or games that satisfy the definition.

Other **charitable purposes** may also be advanced through the use of sport, for example advancing education or health.

For example, a charity may provide sporting **activities** or facilities for people with a disability such as paraplegic shooting or sailing. Where sports or games are used in this context, the purpose is not the advancement of amateur sport but the relief of need for reason of disability.

## Examples

The following is a list of examples of the sorts of **charities** and charitable purposes which might fall within this description. The list is not exhaustive, so even if there is not an example which relates directly to your organisation's purposes, they may still fit under this description.

- charities advancing sport played by amateurs at a local club for example local football, netball, Gaelic games or tennis clubs;
- multi-sports centres;
- sports governing bodies;
- other organisations concerned with the promotion of a particular sport or game.

### **Examples of purposes which are not charitable, or where the case is yet to be made**

Examples include:

- certain types of angling clubs, depending on the skill or mental exertion involved;
- a donation to purchase a trophy for a winner in a club;
- ballooning;
- billiards, or snooker;
- flying;
- gliding;
- motor sports;
- parachuting.

This is because it is questionable whether they are a sport or game which promotes health. We will always, however, consider organisations' and trustees' rationale on a case by case basis.

An organisation registered as a **Community Amateur Sports Club** cannot apply to register as a charity.

## Section 2: Applying the principles of public benefit to the advancement of amateur sport

The guidance below sets out examples of how public benefit applies to an organisation with the purpose of advancing amateur sport. It is not intended to be a full interpretation of the law in every set of circumstances. However, it is our intention that the examples we provide will help you to apply the public benefit principles to your organisation.

This should help you to clarify:

1. The benefits your charity's **purposes** are intended to provide;
2. Whether your charity's purposes are intended to benefit the public in general; or
3. The section of the public that your charity's purposes are intended to benefit.

A charity aiming to advance amateur sport must:

- identify the section of the public or group of persons to benefit; and
- determine how the actions of the charity can benefit that section of the public.

In terms of advancement of amateur sport, this includes purposes that promote and maintain sporting activity by amateurs.

This means that where sport is to be played by professionals, it is clearly not amateur.

### 2.1 Identifying your intended beneficiaries

It must be clear what the intended or actual benefit of the purpose(s) of a charity are and who the **beneficiaries** are. In the case of advancing amateur sport, beneficiaries will be those who participate and experience physical or mental skill or exertion, in line with the definition of sport in the Act:

'Sport' means sports or games which promote health by involving physical or mental skill or exertion.

Spectators may benefit from watching sport but because the Act refers to physical or mental skill or exertion, spectating cannot be considered a benefit. However, watching sport as part of a structured training programme rather than as a spectator may be charitable from the perspectives both of advancing amateur sport and advancing education.

### 2.2 Identifying your benefits

Identifiable benefits to the mental or physical health of the participants should be capable of being evidenced. In most cases, this will be obvious. For example, it is easy to demonstrate the health benefits of participating in a competitive football match. However, it will be less straightforward to demonstrate public

benefit by achieving sporting success that promotes national pride or social cohesion.

Other potential benefits include the education of the young or the promotion of participation by, and integration of, those with a disability.

An example of where a charity whose **purposes** are to advance amateur sport can prove benefit that isn't of a health nature might be in the provision of facilities for recreation or leisure that are provided in the interests of **social welfare**. Further information can be found in the Recreational Charities Act 1958.

## 2.3 Ensuring your benefits are for the public

Benefit must be afforded to a **sufficient section** of the public. Open membership is usually an essential requirement although some limitations for practical, safety or other reasonable grounds may be justified.

For example:

- a kite surfing club may **restrict** membership to people over 16 for safety or insurance reasons;
- if a club is at capacity in terms of members, it may be reasonable to restrict membership to entry only when space becomes available;
- a cricket club for women or a football club for school boys;
- limiting access to a sports ground for health and safety reasons.

An example of a restriction that would not be justified would be limiting

membership to a sports club on grounds of being a friend or relative of existing members.

A Northern Ireland Premier League football club's academy will not be charitable if one of the **purposes** is to seek to train players for the benefit of the club.

## 2.4 Balancing benefit against detriment or harm

Benefit must not be outweighed by **detriment or harm** and in the context of physical activity, physical injury could be considered. However, if safety precautions are taken, such as wearing protective headgear for rugby or hurling, it might sufficiently demonstrate that reasonable precautions have been taken and that benefit outweighs detriment. When considering public benefit of organisations advancing amateur sport, we would look at the policies and practices of an organisation that are in place to avoid injury and promote health, safety and wellbeing.

## 2.5 Public benefit rather than private benefit

Any **private benefit** must be **incidental**. For example, the payment of staff necessary to administer the club or maintain the club facilities and grounds is a necessary incident of the furtherance of its **charitable purposes**.

Again, an incidental private benefit may be conferred where a person's prospects of competing in sport professionally are enhanced as a result of their participation in the **activities** of the charity.

## Useful publications

Statutory guidance on public benefit

The 'public' and 'benefit' elements supporting guidance

The prevention or relief of poverty supporting guidance

The advancement of education supporting guidance

The advancement of religion supporting guidance

The advancement of health or the saving of lives supporting guidance

The advancement of citizenship or community development supporting guidance

The advancement of the arts, culture, heritage or science supporting guidance

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity supporting guidance

The advancement of environmental protection or improvement supporting guidance

The relief of those in need supporting guidance

The advancement of animal welfare supporting guidance

Any other purposes supporting guidance

Glossary

Frequently asked questions (FAQs)

For more information on all of our work  
please see the Charity Commission website:

**[www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)**

Our preferred method of contact is email:  
**[admin@charitycommissionni.org.uk](mailto:admin@charitycommissionni.org.uk)**

The Charity Commission for Northern Ireland (CCNI) is the new regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Social Development.

Our aims

- the Commission aims to develop a regulatory framework in which the public have confidence and in which charities can grow and flourish, clear in the knowledge of their rights and responsibilities;

And

- manage the establishment of the organisation to a statutory non-departmental public body following the full implementation of the **Charities Act (Northern Ireland) 2008**.

Further information about our activities is available from:

**Charity Commission for Northern Ireland**  
**257 Lough Road**  
**Lurgan**  
**Craigavon**  
**BT66 6NQ**

[www.charitycommissionni.org.uk](http://www.charitycommissionni.org.uk)

**Tel: 028 3832 0220**

**Fax: 028 3834 5943**

**TextPhone: 028 3834 7639**

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